

REMARKS

Applicant properly traversed the restriction requirement of December 18, 2006, in its Response to Restriction Requirement dated January 18, 2006. The present Office Action contains no acknowledgement of the traversal. Applicant respectfully requests that the traversal be acknowledged.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Yanagi et al.* (U.S. Patent No. 2004/0061757 A1) in view of *Drynkin et al.* (U.S. Patent No. 6,709,175). Applicant traverses.

The Office Action asserts that it would have been obvious to combine certain portions of *Drynkin et al.* into *Yanagi et al.* However, a reading of each of those references makes it clear that such a substitution is not proper for at least one reason. *Yanagi et al.* is very clear in its specification and figures that the engaging claws 106f1 and 106f2 are resilient (see paragraph 0169). Further, looking at Figure 30 at least, it is clear that the claws 106f1 and 106f2 snap over the disc that is in the tray.

The tray adaptor of embodiment 9, which the Office Action uses as the base for its rejection, is specially designed to fit a tray used with the specific printer of *Yanagi et al.* That is, the adaptor is specially designed to be inserted into and work with the specific tray disclosed in *Yanagi et al.* The tray adaptor is a “plug and play” part designed to hold a disc in a specific way and still be usable with the *Yanagi et al.* tray and printer. Referring now to paragraph 0165, the operator inserts a tray 106 which specifically fits tray guide 103. A full page of text from paragraph 0165 through paragraph 0168 is used to describe a myriad of features of the tray guide used to accommodate the tray 106. The tray 106 is also specifically designed, as is discussed in detail in paragraphs 0169 and 0170, and further operation of the embodiment 9 extends for many further paragraphs. The end of paragraph 0169 specifically states that “claws 106f1 and 106f2 are integral parts of the tray, and are resilient. *They keep a CD locked in the correct position by being fitted into the center hole of the CD.*” *Yanagi et al.* has a specific tray, a specific tray adaptor designed to work with the tray, and a specific mechanism by which the CD is fully

locked into the tray. There is no need whatsoever for any further addition of more locking mechanisms, since Yanagi et al. clearly discloses a locking mechanism that keeps a CD locked in the correct position.

Referring now to Drynkin et al., the Office Action asserts that it would have been obvious to modify Yanagi et al.'s printer "in order to hold the compact disc properly." However, Yanagi et al. already has a fully functioning mechanism for "keep[ing] a CD locked in the correct position by being fitted into the center hold of the CD." Nothing further is needed or desired. Therefore, there is absolutely no need to add a clamping finger such as that of Drynkin et al. to Yanagi et al.

MPEP 2143.01, paragraph VI, states in relevant part, a "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate" (See MPEP 2143.01). This is exactly the situation of the present rejection. First, there is no need to modify Yanagi et al. "in order to hold the compact disc properly" as is asserted in the Office Action since Yanagi et al. already does hold the disc properly. Also, the additional moving parts and near total modification of Yanagi et al. that would be required to even utilize the movable tray, recessible button, and sliding action of Drynkin et al. remove it from any reasonable substitution or combination with Yanagi et al. For example, the claws of Yanagi et al. would not allow a smooth motion of the disc in a sliding manner as would be required in the use of the seating mechanism of Drynkin et al. The claws of Yanagi et al. and the seating mechanism of Drynkin et al. are mutually exclusive.

As such, Yanagi et al. and Drynkin et al., are not combinable. Even if they are combinable, which Applicant disputes, no combination of Yanagi et al. and Drynkin et al. results in the subject matter of the present claims. Claim 1 is allowable. Claims 2-6 depend from and further define patentably distinct claim 1 and are also believed allowable.

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mochizuki et al.* (International Publication No. WO 2003/091035 A1) in view of *Drynkin et al.* (U.S. Patent No. 6,709,175). Applicant traverses.

Mochizuki et al. contains a disclosure similar to Yanagi et al. in at least one key respect. The mechanism by which a disc is held in *Mochizuki et al.* is self-contained. Figure 18 of

Mochizuki et al. is the third embodiment of Mochizuki et al. This embodiment is specifically shown and described as being used with the tray 121 in a vertical position. (See page 40, lines 19-20 and the description that follows). The engaging claws 127a and 127b form part of the rotatable base 125 and engage both the center hole of a disc 170 and the exterior periphery of that disc, and “[t]he engaging claws 127a and 127b engage with the optical disk 170, *and the optical disk 170 is thereby held by the rotatable base 125.*” In Mochizuki et al., as in Yanagi et al. discussed above, there is no need whatsoever for any further addition of more locking mechanisms, since Mochizuki et al. clearly discloses a locking mechanism that keeps a CD locked in the correct position. Indeed it has to, as Mochizuki et al. in Figure 18 is using the tray 121 in a vertical position, and without properly holding the disk, would be unsuitable for its stated and intended purpose.

Referring now to Drynkin et al., the Office Action asserts that it would have been obvious to modify Mochizuki et al.’s printer “in order to hold the compact disc properly.” However, Mochizuki et al. already has a fully functioning mechanism such that “the optical disk 170 is thereby held by the rotatable base 125.” Nothing further is needed or desired. Therefore, there is absolutely no need to add a clamping finger such as that of Drynkin et al. to Mochizuki et al.

MPEP 2143.01, paragraph VI, states in relevant part, a “suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate” (See MPEP 2143.01). This is exactly the situation of the present rejection. First, there is no need to modify Mochizuki et al. “in order to hold the compact disc properly” as is asserted in the Office Action since Mochizuki et al. already does hold the disc properly. Also, the additional moving parts and near total modification of Mochizuki et al. that would be required to even utilize the movable tray, recessible button, and sliding action of Drynkin et al. remove it from any reasonable substitution or combination with Mochizuki et al. For example, the claws of Mochizuki et al. would not allow a smooth motion of the disc in a sliding manner as would be required in the use of the seating mechanism of Drynkin et al. The claws of Mochizuki et al. and the seating mechanism of Drynkin et al. are mutually exclusive.

As such, Mochizuki et al. and Drynkin et al, are not combinable. Even if they are combinable, which Applicant disputes, no combination of Mochizuki et al. and Drynkin et al results in the subject matter of the present claims. Claim 1 is allowable. Claims 2-6 depend from and further define patentably distinct claim 1 and are also believed allowable.


CONCLUSION

In view of the above remarks, Applicant believes that all pending claims are in condition for allowance and respectfully requests a Notice of Allowance be issued in this case. Please charge any further fees deemed necessary or credit any overpayment to Deposit Account No. 501373.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2203.

Respectfully submitted,

Date: 6 June 2007



Daniel J. Polglaze
Reg. No. 39,801

Attorneys for Applicant
Leffert Jay & Polglaze
P.O. Box 581009
Minneapolis, MN 55458-1009
T 612 312-2200
F 612 312-2250